

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

KELCY G. SMITH,

Plaintiff,

vs.

EDWARD GREEN, and LOUIS L. NEW,

Defendants.

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1:05-cv-81(WLS)

O R D E R

Plaintiff has requested this court to appoint counsel to assist him with his civil complaint brought pursuant to 42 U.S.C. § 1983. Generally speaking, no right to counsel exists in civil rights actions. *See Wahl v. McIver*, 773 F.2d 1169, 1174 (11th Cir. 1986). It is a privilege that is justified only by exceptional circumstances. *Lopez v. Reyes*, 692 F.2d 15, 17 (5th Cir. 1982).

Plaintiff's motion for appointment of counsel is viewed by the court as being premature. Until such time as responses have been made by the defendant and the court has had an opportunity to review both the complaint and the response thereto, a proper evaluation of the plaintiff's need for counsel cannot be made. The court on its own motion will consider appointing legal counsel for the plaintiff if and when it becomes apparent that legal assistance is required in order to avoid prejudice to his rights. Accordingly, at the present time, the plaintiff's motion for appointment of counsel is **DENIED.**

SO ORDERED, this 14th day of September 2005.

/s/ Richard L. Hodge
RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE